

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<b>ELIZABETH KING</b>	)	
	)	
	)	<b>Case Number</b>
<b>Plaintiff</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL COMPLAINT</b>
	)	
<b>LAW OFFICES OF JAMES A. WEST, P.C.</b>	)	
	)	
<b>Defendant</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	

**COMPLAINT AND JURY DEMAND**

COMES NOW, Plaintiff, Elizabeth King, by and through their undersigned counsel, Bruce K. Warren, Esquire of Warren & Vullings, LLP, complaining of Defendant, and respectfully avers as follows:

**I. INTRODUCTORY STATEMENT**

1. Plaintiff, Elizabeth King, is an adult natural persons and bring this action for actual and statutory damages and other relief against Defendant for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

**II. JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.

3. Venue in this District is proper in that the Defendant transacts business in the State of New Jersey and Plaintiffs reside in this District.

### **III. PARTIES**

4. Plaintiff, Elizabeth King is an adult natural person residing at 2391 Beech Street, Manasquan NJ 08736.

5. Defendant, Law Offices of James A. West, P.C. (“Defendant”), at all times relevant hereto, is and was a limited partnership engaged in the business of collecting debt within the State of New Jersey with its principal place of business located at 6380 Rogerdale Road, Suite 130, Houston, TX 77072

6. Defendant is engaged in the collection of debts from consumers using the telephone and mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

### **IV. FACTUAL ALLEGATIONS**

7. On April 24, 2009, Warren & Vullings LLP filed a lawsuit against United Recovery Systems, L.P on behalf of Elizabeth King for harassment regarding the American Express credit card.

8. On April 27, 2009 Plaintiff started receiving a series of harassing and abusive phone calls from Defendant in regards to the same alleged debt owed to American Express credit card.

9. On April 28, 2009, Warren & Vullings LLP sent a letter of representation to Defendant via certified mail and fax. See letter attached hereto and marked as “**Exhibit A**”.

10. Defendant continuing direct collection activity against Plaintiff even after receiving the letter sent to them via certified mail and fax from Warren & Vullings in respect to representing Elizabeth King.

11. Defendant, by and through its agents, continued to call Plaintiff, on a daily basis to the present time.

12. The Defendant knew or should have known that their actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring their and their agent's actions within compliance of the FDCPA, but neglected to do so and failed to adequately review those actions to insure compliance with the law.

13. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees, who were acting with the scope and course of their employment and under the direct supervision and control of Defendant herein.

14. At all times pertinent hereto, the conduct of Defendant as well as its agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiff herein.

15. As a result of Defendant's conduct, Plaintiff has sustained actual damages, including, but not limited to, injury to Plaintiff's reputation, invasion of privacy, damage to Plaintiff's credit, out-of-pocket expenses, physical, emotional and mental pain and anguish and pecuniary loss and they will continue to suffer same for an indefinite time in the future, all to their great detriment and loss.

**COUNT 1 – FDCPA**

16. The above paragraphs are hereby incorporated herein by reference.

17. At all times relevant hereto, Defendant was attempting to collect an alleged debt which was incurred by Plaintiff for personal, family or household purposes and is a “debt” as defined by 15 U.S.C. § 1692a(5).

18. The foregoing acts and omissions constitute violations of the FDCPA, including but not limited to, violations of §§ 1692d, d(2), d(5), d(6), e, e(2), e(5), e(7), e(10), e(11), f, and g.

**WHEREFORE**, Plaintiffs respectfully pray that judgment be entered against the Defendant, Law Offices of James A. West, P.C for the following:

- a. Declaratory judgment that Defendant’s conduct violated the FDCPA and declaratory and injunctive relief for the Defendant’s violations of the state Act;
- b. Actual damages;
- c. Statutory damages pursuant to 15 U.S.C. § 1692k;
- d. Reasonable attorney’s fees and litigation expenses, plus costs of suit; and
- e. Such additional and further relief as may be appropriate or that the interests of justice require.

#### **V. JURY DEMAND**

Plaintiff hereby demands a jury trial as to all issues herein.

**Respectfully submitted,**

**WARREN & VULLINGS, LLP**

**Date: May 6, 2009**

**BY: /s/ Bruce K. Warren**

Bruce K. Warren, Esquire

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